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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,051

08/26/2003

Vincent Civetta

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7590

06/13/2006

THE HECKER LAW GROUP  
1925 CENTURY PARK EAST  
SUITE 2300  
LOS ANGELES, CA 90067

EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,051	CIVETTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sathyanarayan Pannala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/26/2003</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Application No. 10/648,051 filed on 8/26/2003 has been examined. In this Office Action, claims 1-46 are pending.

### **Priority**

2. Applicant is claiming the benefit of priority under 35 U.S.C. 119(e) since a Continuation Application No. 09/513,654 is filed on 2/25/2000. So, the examiner honors the priority as per statutory law.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 8/26/2003 is in compliance with the provisions of 37 CFR 1.97 and has been considered by the examiner.

### ***Claim Objections***

4. Claim 17 and objected to because of the following informalities: In claim 17, misspelled on line 3, the word as "data base" instead of "database". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Dropping the existing table step before building the same table. Otherwise the table should be recreated.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-5, 8-11, 20-28, 31-34, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (US Patent 6,738,782) hereinafter Agarwal, and in view of Mogilevsky et al. (US Patent 5,588,099) hereinafter Mogilevsky.

9. As per independent claims 1, 24, Agarwal teaches a method for optimizing the execution of database statement (col. 3, lines 37-38). Agarwal teaches the claimed, obtaining data requirement information (Fig. 2, col. 5, lines 35-58). Agarwal teaches the claimed, performing a diagnosis on at least one database table (Fig. 4, col. 8, lines 42-54). Agarwal does not explicitly teach obtaining a table new size. However, Mogilevsky teaches the claimed, obtaining a new size for said at least one database table using a result from said diagnosis and said data requirement information (Fig. 3-5, col. 3, line 43 to col. 4, line 16). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Mogilevsky's teachings would have allowed Agarwal's method for automatically resizing the column widths of a table simply unwraps each column (col. 2, lines 8-10). As per dependent claim 2, Agarwal teaches the claimed, building said at least one database table (col. 10, lines 12-35). Agarwal teaches the claimed, performing maintenance on said at least one database table (Fig. 2, col. 5, lines 12-15). Claim 24, other limitations are processor and memory. Agarwal teaches these limitations (Fig. 7, col. 16, lines 19-23).

10. As per dependent claims 2, 25, Agarwal teaches the claimed, data requirement information further comprises obtaining user input (Fig. 2, col. 5, lines 1-9).

11. As per dependent claims 3, 26, Agarwal teaches the claimed, obtaining said user input further comprises providing at least one user interface for obtaining said data requirement information (Fig. 2, col. 5, lines 4-6 and col.17, line 67).

12. As per dependent claims 4, 27, Agarwal teaches the claimed, obtaining said data requirement information further comprises obtaining network environment information (col. 12, lines 48-49 and col. 17, line 67).

13. As per dependent claims 5, 28, Agarwal teaches the claimed, obtaining said data requirement information further comprises obtaining information about storage devices available to support said at least one database table (Fig. 7, col. 16, lines 19-31).

14. As per dependent claims 8, 31, Agarwal and Mogilevsky teaches the claim 1 and Mogilevsky teaches the claimed, obtaining data requirement information further comprises obtaining at least one requirement of at least one application (Fig. 1, col. 1, lines 43-44).

15. As per dependent claims 9, 32, Agarwal teaches the claimed, performing a diagnosis on said at least one database table further comprises checking performance measures (Fig. 2, col. 5, lines 31-35).

16. As per dependent claim 10, 33, Agarwal teaches the claimed, checking performance measures comprises generating a table of current performance (Fig. 2, col. 5, lines 53-58).

17. As per dependent claims 11, 34, Agarwal teaches the claimed, wherein said checking performance measures comprises looking up performance criteria (Fig. 2, col. 5, lines 31-35).

18. As per dependent claims 20, 43, Agarwal teaches the claimed, performing said diagnosis on said at least one database table further comprises generating at least one report on internals of said at least one database table (Fig. 4, col. 8, lines 45-54).

19. As per dependent claims 21, 44, Agarwal and Mogilevsky teach claim 1, Agarwal does not explicitly teach new table size. However, Mogilevsky teaches the claimed, obtaining said new size further comprises utilizing a set of formulas to compute said new size (Fig. 3-5, col. 3, line 43 to col. 4, line 16).

20. As per dependent claims 22, 45, Agarwal teaches the claimed, performing said maintenance further comprises generating at least one maintenance script (col. 11, line 55 to col. 12, lines 7).

21. As per dependent claims 23, 46, Agarwal teaches the claimed, performing said maintenance further comprises rebuilding at least one index for said at least one database table (col. 13, lines 10-23).

22. Claims 6-7 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (US Patent 6,738,782) hereinafter Agarwal, in view of Mogilevsky et al. (US Patent 5,588,099) hereinafter Mogilevsky, and in view of Cannon (US Patent 6,041,334) hereinafter Cannon.

23. As per dependent claims 6, 29, Agarwal and Mogilevsky do not teach backup. However, Cannon teaches the claimed, obtaining said data requirement information further comprises obtaining a backup method (Fig. 7, col. 19, lines 4-5). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Cannon's teachings would have allowed Agarwal's method to provide storage and backup and other management functions by server for its clients (col. 2, lines 22-25).

24. As per dependent claims 7, 30, Agarwal and Mogilevsky do not teach backup. However, Cannon teaches the claimed, obtaining data requirement information further comprises obtaining a backup schedule (Fig. 7, col. 19, lines 7-9). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Cannon's teachings would have allowed Agarwal's method to provide storage and backup and other management functions by server for its clients (col. 2, lines 22-25).

25. Claims 12-19 and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (US Patent 6,738,782) hereinafter Agarwal, in view of Mogilevsky et al. (US Patent 5,588,099) hereinafter Mogilevsky, and in view of Mangipudi et al. (US Patent 7,058,704) hereinafter Mangipudi.


12. As per dependent claims 12-19, 35-42, Agarwal and Mogilevsky do not explicitly teach error levels checking. However, Mangipudi teaches the claimed, looking up performance criteria comprise checking an error level (Fig. 3-4, col. 7, lines 49 to col. 8, line 10). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Mangipudi's teachings would have allowed Agarwal's method to provide proper error level rather than general error and recording the same message in logs (col. 3, lines 3-8).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Sathyanarayan Pannala  
Examiner  
Art Unit 2164

srp  
June 10, 2006